

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RODNEY H. S. KIM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C01-5720FDB

ORDER DENYING LEAVE TO
APPEAL WITHOUT PREPAYMENT
OF FEES

Petitioner has filed a notice of appeal of this Court's denial of his habeas corpus petition as a second or subsequent motion under Section 2255 and that Petitioner is not entitled to relief under *United States v. Booker*, 543 U.S. ____ (2005). On this record, it is not appropriate to approve the petition to proceed without prepayment of fees.

ACCORDINGLY, IT IS ORDERED: Petitioner's application to Proceed without Prepayment of Fees [Dkt. # 45] is DENIED.

DATED this 15th day of July, 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE